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INAUGURAL ADDRESS

and

FIRST MESSAGE

to

THE FIFTH LEGISLATURE

by

GOV. R. L. WILLIAMS

of

OKLAHOMA

1915

Jan

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AUG 16 1915

Inaugural Address of Governor R. L. Williams

Mr. President, Mr. Speaker, Ladies, Gentlemen and Fellow Citizens.

Called by my fellow citizens to undertake the duties of the office of the Chief Magistrate of this State, I avail myself of this opportunity to express to those assembled my grateful thanks for the partiality and the confidence thus manifested. Realizing the proportions of the task before me I approach it with apprehension and in humility. However, I find comfort and cheer in the presence of those representatives of the other co-ordinate agencies of this government, and shall rely in all difficulties upon the resources of wisdom that are to flow from those charged with the sovereign functions of legislation. I shall, also, look with confidence upon the other co-ordinate branch of this government, which is to wisely and justly interpret our laws.

In the last commonwealth carved out of the Louisiana Purchase through the evolvement of government, we draw inspiration from the life and character of that great man, under whose administration that magnificent domain was acquired. Through his masterly genius that great party was founded, under whose organization we today are in control, not only of every branch of the State, but also the National government. In the conduct of this great office, it is fit that I should look to his life and achievements, as later illustrated by such great men as Andrew Jackson, Abraham Lincoln and Woodrow Wilson, as a guide and model.

In this State, favored by nature with climate and soil and mineral wealth, the people have gathered not only from every State in the Union, but also from practically every nation of earth. Its development has been in accordance with the spirit of our citizenship; progressive not only in business, but also in government. Such development has been made under difficulties. We have done more in less than a decade than it has taken a century to accomplish in older states. This could not be done without cost and this cost must be borne by the tax-payers. Such development being rapid,

it could not reasonably be made, without some abuses. Hence, naturally the occasion for retrenchment, economy and efficiency. This condition, however, is not confined to Oklahoma. That is the demand now made not only in every State government, but, also, in the National government. The fact is the entire world has been living too fast. It has been too extravagant, and now we must put on the brakes. But in doing this we must not still the hand of progress. We are to devote our energies to a constructive administration so as to install business methods and efficiency by means of which we are to have the best government for the least reasonable cost. Hence, our task is an arduous one. To accomplish this, our purpose must be sturdy and directed with wisdom. The public service must be dominated and filled by capable men, imbued with a spirit of patriotism. This must be done to the extent that our fellow citizens will realize that this administration is not installed to exploit the people, or its revenues, but to bring happiness, peace and prosperity.

The idea that parties and government exist as an agency of the spoilsman is utterly at variance with the principles of good government. I believe in party government. Through the centuries of popular government, political parties have been great agencies in framing and promoting measures that were essential for the promotion and preservation of human liberty and human happiness. Political parties, when kept within their proper bounds, are the agencies by which voters, believing in certain principles of government, and having a common purpose in putting those principles into practical governmental force, are bound together. By this means principles and measures are the controlling force and not individual exploitation or ambition. Hence, it is essential that a party's real friends should be put on guard in administering government.

Not only should the friends of a political party be put on guard, but wherever practical, the real friends of the head of the party entrusted with the administration of government should be associated with him; for there is a human equation in the evolvement of government for the betterment of humanity. Those closely associated in the furtherance of the administration of government feel more inclined to make personal sacrifices for success, being more likely to be imbued with its ideals and policies.

Those men who, in serving the public, prefer to give more to the state than they receive from it by way of material consideration are the ones that appeal most to me. We are not moved to enlist in our country's service in time of war for material consideration. In this age of progressive civilization the same great call is

made for men in the walks of peace. The uplift that is essential in every walk of life appeals to us. Hence, the necessity for self-sacrifice. Then, too, when we make a sacrifice for a cause, we are doubly fortified and our position proportionately emphasized. I hope to make myself clear. In this administration, with my consent, there shall not be an easy place and there shall not exist a sinecure, but the road shall be rugged with work and devotion to duty.

It is right that a man should love his friends. Every true man will; but I have my ideals, and I think those who have fought with me in the political contests in this state and who know me intimately, know that I have cherished these ideals all these years, and that I was moved to seek the office of Chief Magistrate of this State with the purpose of exemplifying these ideals in public service. In the exercise of this great power, we must look first in all things to the public welfare. Every real friend of mine will expect this.

But do not get the idea that I am not a partisan democrat. It is my ambition to discharge the duties of this office so as to endear the Democratic Party to every citizen who desires good government. To do this, we must remember that he who serves the state best, serves his party most. I have no patience with the mongrel, either in politics or in any other walk of life. I love the stalwart. If I lose in the preliminary party contests, I asquiesce and never ask for quarter, giving at the same time my loyal support. That is my idea of party organization. In yielding this support, however, I insist that just government shall be administered. When, too, the people have spoken and made choices, likewise, if I am in the minority, I consider it my duty to yield and give my loyal support to the prevailing part in the administration of just government. The reciprocal duty, also, exists, and that is that the minority owe the party in power their loyal support in carrying into effect the principles and promises of the prevailing party in the campaign in which the people made their choice as to who should administer government. To this view of government we are committed, and it shall be so administered that the people may realize that it is their government, and that we are active for their best interests. The incompetent, the laggard and the hanger on must know that they can have no place under this administration; and the grafter must go to sleep and not wake up during these four years or take up his abode for that period in some other jurisdiction. But the incompetent, laggard, hanger on and the grafter are not the only ones to be banished from the favor of the Executive and Legislative halls. The man of apparent respectability and wealth, who is eternally seeking governmental favor by way of con-

tracts with the state in such a way as to cause the people to believe that governmental agencies are run for individual gain and not chiefly for the betterment of the state, even though he means nothing wrong, is not our real friend. This is the time when every man who loves the state must sincerely join hands in conduct and in act to help bring about a government that is so strong and efficient and just as to cause all good people to join in its commendation and support.

The integrity of the administration of government, the fixedness of law and the certainty of its enforcement must be one of the marked characteristics of this administration. The protection of life, liberty and property and the preservation of the right to the pursuit of happiness with an equal opportunity to every person is, also, to be one of our chief objects.

We are fresh from the people, upon a platform whose declarations are hardly cold. These declarations must be carried out in good faith. We declared that "Every unnecessary board, officer or employe of the state, county or municipality, must be abolished and dispensed with," and that the public servants remaining must earn their salaries by actual service. Such words are not to be used merely to conjure or to get votes, and then, on account of having some friend on a board, or in office, be forgotten or not seriously regarded when we get into office. The time has come when the people must have substantial economy. Show and pretense must be abhorred. We must have the substance. We must be sure that we do not make pretensions by practicing penny economy, and at the same time add on pounds of unnecessary expense in other ways at the exaction of the public despoiler. This administration will retain a place in the history of this state, not in accordance with the way it begins, but as it ends. Let's be sincere and effective. Let's be sure that at all times we actually practice what we preach. Whilst our people are going through this period of business depression, it is also necessary that every department of state, and that means Executive, Legislative and Judicial, including all state institutions, contribute their quota of the necessary retrenchment to meet the exceptional conditions now existing.

Holding office is to be a serious thing in this administration. The friend whom I love the most is the one who is willing to make a sacrifice for the public good and the one whom I will abhor the most is he who wants to hold on to a sinecure or an office or a place on a board that can be reasonably abolished or dispensed with. When we pledged the people of this state that we would take precautionary measures so as to make machine politics an impossibility,

so far as I am concerned, (and I am sure, too, that the other state officers, as well as the members of the legislature elected upon these platform declarations, occupy the same position), I take it to mean just what it says, and that during this administration we will carry this pledge into effect. We go into office in control of all the branches of this government under these solemn pledges. Let us make this state famed as a place where political pledges, even in questions of retrenchment, efficiency and economy, and the rendering of political machine domination an impossibility, having been faithfully kept. By no innuendo is it to be understood that we are to repudiate the progressiveness of the past. We stand for it. What we are to do is to inaugurate such a system of effective business administration as will reduce the burdens upon the people who sustain government and assure the continuance of progressive principles. We will hold fast to what we have and will preserve them and keep reasonable progressive evolvement by doing right.

We have a right to expect the faithful and the friendly and the kindly co-operation of not only every democratic official, but every member of the Democratic Party, and we invoke such co-operation on the part of the members of every other party and every citizens of this State. With such a purpose and invoking the help of Him who never errs, we commit ourselves to the work before us.

Governor's Message

To the Senate and House of Representatives of the State of Oklahoma:

At the beginning of the present quadrennium in the government of this State, I desire to submit for the consideration of Your Honorable Bodies, as follows:

CAPITOL COMMISSION—WHAT IT SHOULD ACCOMPLISH AND DO.

At the extraordinary session of the Legislature of 1913, an Act was passed providing for the construction of a State Capitol. By this Act, a State Capitol Commission was created and the Commissioners selected and appointed by the Legislature, and such selection and appointment approved in the bill; which bill was also approved by the Governor. Said Commissioners were to be commissioned by Concurrent Resolution of the Senate and House of Representatives, which was to be signed by the president pro tempore of the Senate and Speaker of the House of Representatives. The appointment of the members of the Commission was to "be construed to be the act of the Legislature, consisting of the Senate and the House of Representatives, and the tenure of office of the Commissioners elected and appointed" as provided therein, was to begin with the approval of said Act, and the term to end "with the completion of the construction of the Capitol building proper." Said Commission is required to maintain its office and hold its sessions at the seat of government. "Each Commissioner shall receive a salary of three thousand ($3,000.00) dollars per annum, payable monthly, and shall be allowed reimbursement for all railroad fare actually incurred and for all hotel and traveling expenses actually expended in carrying out the purpose of this Act, when away from the seat of government; said items of salary and expense shall be audited, approved and allowed by the Commission against the appropriation for the construction of the State Capitol provided herein."

The State Capitol Commission, as soon as practicable after its organization, is required to proceed to select a plan for a State Capitol, provided the reasonable cost of said plan of said Capitol building proper shall not exceed one and one-half million dollars. After plans for this building have been adopted by said Commission, contract or contracts are to be made in writing for the construction of the entire building by a contractor, individual or corporate, who may undertake the whole work, or the Commission may divide the work into appropriate classes and make separate contracts as to either of them as it may deem most advisable and for the best interest of the State, or may adopt and carry out other plans for the building of said State Capitol. All contracts for the construction of said building or for designated classes of the work thereof shall be let to the lowest and best bidder therefor; **nor shall any contract or contracts take effect until all of said work for constructing said State Capitol shall have been contracted for."**

The Commission is required to appoint a practical builder or other specially qualified person to act as superintendent of the construction of said Capitol Building. It is made his duty to see that all contracts made with the Commission are faithfully performed; that all material furnished and work done shall be such as is required by law or the contract therefor; that all duties imposed upon the architects are faithfully performed by him and his subordinates, and that no provisions of the contract are violated. Said superintendent is to receive as compensation such sum as the Commission shall deem reasonable, not exceeding eight ($8.00) dollars per day for each and every day, or part of day, he is actually engaged in the performance of his duties.

Said Act also appropriates "out of any money in the State Treasury, not otherwise appropriated, for the purpose of constructing a State Capitol, as provided in this Act, the sum of Two Hundred and Fifty Thousand ($250,000.00) Dollars, said sum of Two Hundred and Fifty Thousand ($250,000.00) Dollars to be available for use by the Capitol Commission during the fiscal year ending June 30, 1915." Also, said Act further appropriates the sum of Four Hundred and Ninety-Seven Thousand, Two Hundred and Seventy-Four and 72-100 ($497,274.72) Dollars from another specified fund, making a total appropriation of Seven Hundred and forty-Seven Thousand, Two Hundred and Seventy-four and 72-100 ($747,274.72) Dollars, that is made by the Legislature for the erection of this Capitol building.

Said Act provides that whilst the Legislature is not in session, said Commissioners may be removed by the joint action of the President pro tempore of the Senate and Speaker of the House of

Representatives. It also provides for the employment of a secretary to said Commission at a salary of two thousand ($2,000.00) dollars.

Section 7 of said Act provides that "All bills, claims and demands for labor performed, work done or material furnished, shall be made out in duplicate by the person or persons, or corporation or company, presenting the same to the Commission for allowance and be passed on by the Commission at a session thereof." Then provision is made for the payment of same by warrants drawn on the State Auditor.

The Act further provides that no contract for the building of the Capitol or any part thereof shall be valid until the entire building has been contracted for. Such contract cannot be legally entered into until an appropriation is available to meet the entire cost of the building. This has been settled by the Supreme Court of this State in Campbell et al. v. State ex rel. Brett, 23 Okla. 109, 99 Pac. 778.

Section 55 of Article 5 of the Constitution provides that:

"No money shall ever be paid out of the treasury of this State, nor any of its funds, nor any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payments be made within two and one-half years after the passage of such appropriation act."

On account of said provision, it may become necessary for some part of the $747,274.72 to be re-appropriated.

Section 12, of Article 5 of the Constitution, requires every bill passed by the Legislature making appropriation of money to be presented to the Governor for his approval or his disapproval.

I call your attention not only to the legal obstacles to the letting of the contract for the completion of the Capitol building under the present bill, but, also, to the responsibility of the Governor under the terms of the Constitution in the raising of funds for its completion. Under the terms of this Act, the Capitol Commission has no fixed tenure, but is to hold office until the Capitol building proper is completed. Necessarily, the time of completion depends, in a measure, upon the will, desire and inclination of the Commission. As a rule, when provisions are made for the payment out of a fund of salaries or expenses, limitations or restrictions under the terms of the act are imposed for the protection of the taxpayers. Hence, my duty to point these matters out, with suggestions as to corrections. A reasonably speedy construction and completion of the State Capitol building is essential. At the present time, the State officers are housed in different parts of the

city, and the Legislature, when in session, convenes at still a different place. This has a tendency to prevent efficiency and economy. If all the different departments of government, with their various employes, were quartered in one building, or in buildings located at the same place, by way of closer administrative organization, and the saving of time, greater efficiency and economy would result. In addition, a rental for these various quarters, approximating an amount equal to the interest on the cost of the State Capitol, is now borne by the State. The advisability of the State owning at the earliest reasonable date, its own State House, cannot be seriously questioned. This must be done, however, on practical lines, with a special view of protecting the taxpayers. Our chief duty is to them. The $747,274.72 already provided and appropriated, has been taken from them. The additional necessary funds for its completion must be taken from the taxpayers of this State. The expenditure of this money must be made with every safeguard around it for the protection of these burden bearers.

Accordingly, I recommend:

That the bill passed by the extraordinary session of the Legislature in 1913, providing for the construction of the State Capitol, be amended so as to provide for the appointment of a Citizens' Committee, to serve without pay, and to consist of not less than five, nor more than seven members, a majority of whom may not reside in any one county. The duty of this Committee will be to make an examination as to the plans drawn and adopted for said Capitol Building, and at stated times to examine the work on said building as it is constructed; and report the result of its investigation to the Governor, a copy to be filed with the Secretary of State, and also, with each House of the Legislature, when in session. This Citizens' Committee will be both a shield and a sword; a shield to protect the officers of the State in the construction of this building, when they are right, and a sword to prevent wrong or imposition being done.

The question as to the power of the Legislature to delegate to the President pro tempore of the Senate and the Speaker of the House of Representatives the authority to remove the Capitol Commissioners is not clear. As to whether or not such power may be delegated to such officers may be well doubted. If the occasion shall arise when said Commissioners or any one of them should be removed, and the Legislature was not in session, grave complications might then arise. If such power could not be thus delegated, not to say anything about the unobservance of the provisions for the different co-ordinate branches of the State Government being a check one upon the other.

I further recommend that the original bill be so amended as to place the power to remove said Commissioners either with the Governor, or some other board of elective Executive State officers; and further, that the bill be so amended as to provide that before the contract which may be let by the State Capitol Commission becomes effective and binding on the State, the same must be approved by the Governor; and that if the Legislature is at that time in session, the same must also be submitted to the Legislature, when, if the Legislature should disapprove the contract, though the same had already been entered into by the Capitol Commissioners, and approved by the Governor, it should still be of no effect.

When the contract for the State Capitol shall have been let by the State Capitol Commission, then its existence as such should cease. The question of the contractors' complying with the contract must necessarily be determined by experts and provision is made in the bill for the employing of an expert for that purpose. The general duty of the Commission will be to employ this expert and draw their salaries and maintain an office in accordance with the station of their position and have a secretary and other employes. This duty can be exercised by the State Board of Affairs, or a Commission of ex-officio elective State officers just as effectively and without any cost to the State.

I therefore recommend that provision be made by law that after the contract is let and approved, that within fifteen days the term of the office of the Capitol Commission shall cease, and that the duties of that office shall then be exercised by a commission, to be composed of certain elective State officers, to be named by the Legislature, or by the State Board of Affairs.

BOARD OF PRISON CONTROL—TO BE ABOLISHED.

The Legislature of 1913 passed an act creating a Board of Prison Control for the State Penitentiary at McAlester and the Oklahoma State Reformatory at Granite.

I respectfully recommend that by an Act of the Legislature, these duties be imposed upon the Board of Affairs, with the exception of that duty imposed on the Board of Prison Control as to the examining and investigating of applications for pardons, paroles, or reprieves and commutations, together with applications to remit fines and penalties. Provision should be made for this investigation to be made by a clerk, to be known as Pardon Clerk to the Governor; provision being made, also, for stenographic help for the Pardon Clerk. This contemplates that a complete record

shall be made of the hearings. I want to see the pardoning power exercised under the same care that judgments and decrees of courts are entered, with a complete record made of all the evidence and everything that is offered, with a view of securing executive clemency. This should be reduced to writing and made of record, and the pardon clerk make his findings of fact thereon, similar to a master in chancery or referee, and furnish the applicant with such finding before same is presented to the Governor for his determination as to whether clemency should be exercised. Safeguards must be thrown around these applications for executive clemency, so that all shall stand on the same level and footing, and the Chief Executive to be protected from imposition. The Board of Control, if they are to make careful investigations and get the facts as contemplated in this recommendation, would consume practically the entire four months' time in which the present statute permits the old board to serve, and, therefore, no time could reasonably be given to the constructive administration of the prisons. The report of this Prison Board of Control on pardons, reprieves and commutations can, under our Constitution, be only advisory to the Governor. Under our constitutional provision it cannot operate to be a limitation upon his power. At most, it is a matter of procedure which may be essential to the acquiring of jurisdiction of the matter by the Governor. The same essential procedure may be prescribed in the way of requiring the filing of applications and giving notice of hearings before the Pardon Clerk. In prescribing such procedure, exceptions in cases of reprieves should be made. I suggest, further, that the Governor be required to state in writing and make of official record his reasons for granting pardons, reprieves and commutations. By the abolishing of the Prison Board and placing this work on the Board of Affairs, not only will efficiency, but, also, economy operate; for if this board is to be retained and its work operate efficiently to the State, it would be necessary to increase their compensation, and, also, to give them more help and contingent expenses. In selecting the members of the Board of Affairs, I had this in view. One member has had special experience in the line of handling prisoners and is especially fitted in that respect.

CONVICTS AND THEIR EMPLOYMENT.

In the two state prisons, to-wit: the one at McAlester and the other at Granite, about fifteen hundred prisoners are confined. Whilst it is the duty of the State in restraining them from society to endeavor by humane treatment to bring about a reformation, yet in doing this, their labor should be utilized in such a way as to cause this effort to be made by the State at as little expense as reasonably possible upon the tax-paying citizenship.

I accordingly recommend for your consideration the employment of said inmates in the penitentiary (1) upon the highways of the State and (2) for working them within the walls in the manufacture of such things as are to be used by the State and its institutions; (3) upon a state farm; and (4) where possible on irrigation projects.

GOOD ROADS.

It is not necessary to go into any argument as to the necessity for good roads. That is self-evident. Article 16 of the Constitution directs the Legislature to establish a Department of Highways with power to create improvement districts and to provide for building and maintaining public roads and the utilization of convicts thereon. Under this provision, local road disrticts may be formed upon the betterment plan. In addition, roads may be built by townships, counties and State. I recommend that legislation may be had so that all these systems may be combined, when desirable. Further, that provision be made for the buildings of roads exclusively on the betterment plan by the improvement districts, and also by townships or counties, or the State, separately, so as to leave the proposition in a way to be worked out reasonably by these different agencies, separately or combined.

HIGHWAY COMMISSIONER.

The office of State Highway Commissioner should be continued with an adequate salary; the business of the Highway Department being placed under the supervision and regulation of the Board of Affairs. It is my desire that we shall build roads and that the Highway Commissioner shall be a constructive working agent in bringing this about. The people of this State must have good roads. Let's devote our energies to that end. I feel sure that we can accomplish this greatly desired result.

TAXES—EXTENSION AND PENALTIES.

It is essential that too much technical observances should not be required in order to cause taxes to become due and bear penalties. Therefore, the statute should be amended so as to not require notice to the tax-payer as a condition precedent to his taxes becoming due, in such a way as to bear penalties. However, under the depressed conditions that exist in many parts of the State, occasioned by the general European war, many people are not now able to pay their taxes.

Therefore, I recommend that a statute be passed, providing for a reasonable extension of all taxes, the same to bear interest during such extension at the rate of six per cent per annum, and that the State Board of Equalization may make still further extensions at any time as to any county or counties, or entire State, under the same terms. Otherwise, the penalty provided by law to obtain.

PRODUCTION OR GROSS PROCEEDS TAX.

As to the tax on gas, petroleum or other crude oil when segregated from the common source of supply beneath the surface and for taxing the same as property, each producer should be required to pay a mining production tax of two per cent upon the gross value of such production, at the point where the same is mined, according to the market value thereof.

Three-fourths of all sums derived from such tax should be paid into the general State fund, and the other fourth be applied to the maintenance of the common schools of the county where the tax is collected. The larger portion should go to the State, on account of the great agencies of the State, like the Corporation Commission and inspections that have to do so much with said business, being borne at the general State expense.

FARM PRODUCTS NOT TO BE TAXED.

The farmer and producer should be encouraged to so market his crops as to get reasonable prices therefor. If he is forced to rush the same upon the market, such results may not be obtained. If the same are taxable, he would be required to sell the same prior to the beginning of the tax year, or bear the burden of the tax upon the raw product. This does not appear to me to be in accordance with the best interest of the State.

Therefore, I recommend the passage of an Act, so classifying farm products as not to be subject to taxation.

RURAL CREDITS.

We should cause the people to get money upon approved economical lines at as low a rate of interest as reasonably possible. I accordingly recommend that real estate loans be taken as security for State and county deposits; that only real estate mortgages where the entire charge of interest, commission and everything, does not exceed eight per cent, shall be taken for such security.

I further recommend the consideration and passage of an act for the formation and incorporation of rural credit unions, or co-

operative associations for the purpose of promoting thrift among their members, and to enable the members thereof, when in need, to obtain for productive purposes moderate loans of money for short periods and at reasonable rates of interest.

I further recommend for your consideration the formation of a state loan bank, so as to establish a state-wide rural credit system. I urge that this be given careful consideration and that we travel along safe economic lines, but that we do it patriotically and wisely, so as to effectively bring relief to the people.

A MARKETING SYSTEM.

I further recommend for your careful consideration the devising of ways and means of creating a marketing system through the agency of the Board of Agriculture.

A STATE TAX COMMISSION.

The State Board of Equalization should be abolished and a State Tax Commission created in its stead. To that end I recommend that section 21, of article 10, of the Constitution, be so amended and that said Tax Commission be authorized to exercise the powers of a State Board of Equalization, to adjust and equalize the value of real and personal property and perform such other duties as may be prescribed by law, and exercise not only administrative but judicial and legislative powers in the settlement of all controversies over taxation, and to have exclusive jurisdiction over same, except that its orders as to the equalization of property values and the settlement of tax controversies may be reviewed by writ of error to the Supreme Court of the State. In addition it should also be made the duty of the said Tax Commission to assess all railroad and public service corporation property, to be reviewed on appeal by the Supreme Court of the State, and bienally and at such other times as may be requested by the Governor report and recommend such legislation as is necessary for revenues.

It is contemplated that these Commissioners shall be experts as to all matters of taxation and in the course of its duty to become acquainted in detail with the taxable property of this State so that no injustice may be done any taxpayer in the assessment of equalization of property.

A SAFEGUARD AGAINST DEFICIENCIES.

I recommend the repeal of the statute permitting municipalities to issue funding bonds to cover deficiencies on account of the failure of revenue. This will have a salutary influence toward restraining city

officials within the revenue provided and cause parties to be cautious in dealing with municipalities. This is a necessary safeguard in order to protect the taxpayers.

RURAL LANDS TO BE ASSESSED BIENALLY.

I recommend that land located outside of towns and cities shall be assessed only once in every two years so as to reduce the expenses of assessment.

REVENUES TO BE DERIVED FROM DEPARTMENTS.

Provision should be made for the fixing and charging a fee by the Secretary of the Corporation Commission for transcripts in appeals from its orders, and copies furnished private parties; also fees to be collected by the Commission on all refunds made through its intervention. These fees should be converted at stated times into the State Treasury. Provision, should, also, be made for charging fees for copies of all records furnished by the various Executive Departments to parties desiring the same and for the converting of these fees at stated times into the State Treasury. By this means revenues may be acquired without any burden to the taxpayers, and these departments will, in a measure, at least, be self-sustaining.

Every state agency with a few exceptions should be made at least partially self-sustaining. The courts which are a necessary agency for the peaceable settlement of civil controversies, and essential for good government, should not be supported entirely by the taxpayers. The litigants in civil cases should at least bear a part of these burdens. There is no reason why the peaceable man, who settles his matters without legal controversies, should be taxed to furnish this legal luxury entirely to the litigious citizen. The record shows that it costs the state on an average of about fifty dollars for every civil case appealed to the Supreme Court. I accordingly recommend that a docket fee be taxed in the sum of twenty-five dollars as a part of the costs in every such case to follow the result of the case, provision being made by the statute for the plaintiff in error securing this cost or depositing same and to recover judgment therefor if prevailing in the appeal.

Provision should be made, also, for the charging of a jury fee, so as to place a part of the burdens upon the litigants in the trial courts and not cause the same to be borne entirely by the taxpayers.

THE CLERK OF THE SUPREME COURT.

The assistants now provided by law for the office of the Clerk of the Supreme Court should be reduced. Two assistants at $1,800.00

per year, and one assistant at $1,200.00 per year, and another at $900.00 per year will be entirely adequate, with the Clerk giving his personal attention to the duties of his office, as required by section 11, article 2, of the Constitution.

The State, for clerical help, should not pay more for salaries than private concerns. The same constructive business rule should control in departments of State as in private concerns. In private concerns higher salaries are paid for heads of departments, the balance of the work being done by clerks. Good clerks are available now at $100.00 per month. I feel that I am going the limit when I agree in this message to approve appropriations for two clerks at $1,800.00 per year; for some strict business concerns, under the same circumstances, would consider that only one chief deputy would be necessary. In determining the prices for help we should consider what salaries these employes would likely draw in private employment. That should be the controlling test. I have no disposition to be harsh on government employes. I only insist that the employes of the State, for the same kind of work, are not entitled to any more compensation than that usually received in private employment. I feel that it is our duty to give the same careful consideration to the interests of the taxpayers that we would to our own private interests, if these employes were to be paid by us.

STENOGRAPHERS OF THE JUSTICES OF THE SUPREME COURT.

The stenographers to the Justices of the Supreme Court should be required, as a part of their official duties, to make copies of all opinions, where necessary, for the Clerk of the Supreme Court. This to be done under rules and regulations to be prescribed by the Justices of the Supreme Court. The statute should provide that it shall be made the duty of the Justices of the Supreme Court to make orders and provide rules and regulations for the stenographers to make copies of all opinions, as requested by said Clerk. By this means an actual saving of between $2,500.00 and $3,000.00 per year can be made to the State. I recommend that it be made a misdemeanor for the Clerk or any employe to be interested directly or indirectly in the furnishing of copies of opinions or records from any department of state whatever where provision is made by law for the state to receive compensation for such work if it were done by an officer or employe in such capacity.

APPELLATE COURTS.

The dockets of the Appellate Courts, especially as to civil cases, are considerably congested. The Supreme Court being over two

years behind. This is not occasioned by the fault of the members of the Court, but is brought about by several causes, over which the court has no control. (1) No limitation now exists as to appeals; (2) the cost of appeals is now borne almost entirely by the taxpayers; (3) written opinions are required by the Constitution in all cases; (4) so many new questions arising for determination; (5) in that the congested condition of the docket encourages appeals for delay.

TRIAL COURTS.

In trial courts, the speedy final determination of cases is essential. For proper results to be had, not only must there be expedition in the trial, but also, in the appellate court. In all cases, except as to questions of unliquidated damages, the trial should be had in such a way and the record made so that upon appeal, if the proper judgment was not rendered in the trial court, the appellate court may render the judgment that should have been rendered without remanding it for a new trial. This is essential for the speedy determination of litigation and saving expense, not only to the litigant, but also to the taxpayer.

I accordingly recommend that amendments to the Constitution be submitted so that (1) appeals in civil cases to the appellate court may be limited by legislative enactment; (2) that the Supreme Court may sit in divisions under such rules and regulations as may be prescribed by law, the Criminal Court of Appeals to constitute the division thereof as to appeals in criminal cases; the other divisions to consider appeals in civil cases; a decision by any one division to be the judgment of the court; provided that under certain rules and regulations same may be reviewed by the court in banc; and further, to provide the manner in which the judges may be nominated and elected; (3) that written opinions may be dispensed with in the appellate court under rules and regulations to be prescribed by the Legislature; (4) that the appellate courts in civil cases, except where there is an issue as to unliquidated damages, may without reversing and remanding, render the judgment that ought to have been rendered in the trial court, and as to appeals in criminal cases, may modify the judgment of the lower court without reversing and remanding the same; (5) provide for the abolishing of the county court and the placing of all jurisdiction, except that of the justice of the peace, in the District Court.

Demurrers and answers should be required to be filed at the same time so as to expediate the trials. As to whether civil cases should be tried to a jury, rules and regulations should be made, so that a jury and a non-jury docket may be made up and thus save the expense of a jury during the period that the non-jury docket is being tried.

LIBRARIAN AND MARSHAL TO BE CONSOLIDATED.

The office of Librarian and Marshal of the Supreme Court should be consolidated. At present, each of these officers receive a salary of $1500.00 per year. The Librarian also has an assistant and a reference clerk, each of whom receive $1000,00. per year. By the consolidation of the office of Librarian and Marshal, at a salary of $1500.00 per year, the Librarian becoming ex-officio Marshal of the Supreme Court, the same results may be had and this saving made to the taxpayers.

BOARDS FOR THE HOSPITAL FOR THE INSANE TO BE ABOLISHED.

Sections 7021, 7022, 7023 and 7024, Revised Laws of Oklahoma, Annotated, place the management of the Oklahoma Hospital for the Insane, located at Supply, Oklahoma, under the control of a Board of Trustees composed of the Governor and two other persons and provides for the holding of regular sessions at the Capitol on the first Monday in January, April, July and October of each year, and also for special sessions. The affairs of the hospital generally are placed under the control of this Board. The expense of this local board can be reasonably dispensed with and its duties imposed upon the Board of Affairs. I recommend that this Board be abolished and that the Board of Affairs be charged with these duties with the exception that the Superintendent, steward and physicians be appointed by the Governor direct, subject to be removed at any time within the discretion of the Governor. Section 7032 of the Revised Laws of Oklahoma provides that the said Board of Trustees shall appoint three competent practicing physicians, residents of this State, to constitute a Board of Examiners of said hospital. I recommend that the Governor of the State be authorized to appoint these physicians in lieu of said Board, and that the Board of Examiners transmit a copy of their report in duplicate, one to the Governor and the other to the Board of Affairs.

Sections 7040, 7045 and 7046, Revised Laws of Oklahoma, 1910, Annotated, creates a board for the control and management of the East Oklahoma Hospital for the Insane at Vinita, the Board to consist of three persons to be appointed by the Governor. I recommend that this Board be abolished and all the duties of that board be vested in the Board of Affairs, except that the superintendent, steward be appointed by the Governor.

By this means the expense of two boards will be dispensed with, and the business management of these institutions placed in the hands of men appointed to transact business affairs of this State. I desire to see a profitable dairy and poultry farm in connection with these in-

stitutions, and everything done reasonably possible toward making these institutions self-sustaining.

THE NUMBER OF JURORS TO BE REDUCED.

Under section 19, of article 2, of the Constitution, twelve petit jurors are required in courts of record other than county courts, and six petit jurors in county courts, and a grand jury is to be composed of twelve jurors. As provision is contemplated for the conferring of the jurisdiction of the county court upon the district court, I recommend that provision be submitted to amend sections 18 and 19, of article 2, of the Constitution so that eight jurors shall constitute all grand and petit juries in courts of record, and provide that juries may be empaneled in the justice court under rules and regulations prescribed by law but without cost to the state, county or municipality, and further provide that provision may be made by the legislature for jury fees to be required to be paid by litigants.

A SMALLER LEGISLATURE AND SHORTER SESSIONS.

As to the Legislature, I recommend the submission of a Constitutional amendment, providing (1) that the Senate shall consist of twenty-four members and the House of seventy-five members, providing also therein that by legislative enactment, the membership in either or both bodies may be reduced, and (2) that a regular session shall not exceed fifty days, and an extraordinary session not to exceed thirty days.

SPECIAL CHARTERS FOR MUNICIPALITIES AND COUNTIES—POLITICS TO BE ELIMINATED.

As local government under the exercise of the police power is made to respond to the modern needs and conditions of the people, its administration becomes more complex. Fixed and general rules for the administration of counties or municipalities generally are not adequate for such conditions. Hence, the necessity for the framing of special charters by local municipalities. In the evolvement of such government, the electors in their local governmental capacity should be given great latitude. This should be done to the extent of permitting elimination of nominations by political parties, so that such government may be reduced to strictly a business proposition. Political parties exist for the purpose of promoting principles and measures for good government. What is essential for local government in one community might not be proper in another. So, a political party as a party in a State may have no particular mission as to such local matters. One of the cardinal principles of the Democratic Party is local

self-government. If the electors of the municipality desire to provide for the selection of their officials without party nominations so that efficiency may be promoted without party machine impediments, such sub-divisions should have that power. Oftimes local officers are indifferent as to the success of the party in the State, where great political principles are at issue, being absorbed in personal local matters. But if these local officers are inefficient and do not meet the required duty, the party in the State has to bear the odium of such deficiencies.

I accordingly recommend the submission of an amendment to Section 5, Article 3 of the Constitution of this State, so as to permit municipalities in framing such charters to dispense with political nominations and also to authorize counties to adopt special charters for their county governments, and also therein to provide for the elimination of party nominations.

SAFEGUARD AGAINST IMPROVIDENT INDEBTEDNESS BY MUNICIPALITIES.

Whilst credit has brought riches to some it has impoverished many. Credit is always exercised by the capable business man with great care and with such reasonable sinking fund or equity under reasonable safeguards as to meet emergencies. The business man who uses his credit and weathers all storms is indeed well ballasted. Credit when exercised by municipalities or other political subdivisions should be exercised with the same care. Safeguards and limitations against the making of such obligations is essential. The future should never be mortgaged except when an adequate necessity exists and then under reasonable limitations. One of the dangers of any community is in improving too fast, and incurring too many obligations. We should advance and progress wisely, carefully and surely, so that there should be no reaction. We feel now the burden of the hand of the tax gatherer, but if we examine into details we find that a great part of these taxes are gathered every year to provide a sinking fund for municipal indebtedness. Oftimes this indebtedness has been created under the feverish spirit for development.

Section 26, of article 10, of the Constitution permits municipalities to become indebted generally to an amount in the aggregate not exceeding five per cent of the valuation of the taxable property therein to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness, provided that three-fifths of the voters thereof must concur. Section 27, of the same article, in addition permits municipalities to become indebted without limit for the purpose of purchasing or constructing public utilities or for repairing the same, to be owned exclusively by such municipalities,

provided that such be authorized by a majority of the properly qualified taxpaying voters of such city. Section 27 extends too much credit to a municipality and makes it too easy for it to become bankrupt. Additional safeguards should be adopted so as to insure safe and sane development and protection to the taxpayers.

I accordingly recommend that an amendment be submitted imposing the same restrictions in section 27 both as to the amount and as to the number of voters to assent as are contained in section 26. By this means then a municipality could not become indebted for all purposes to an amount in the aggregate not exceeding ten per cent of the vlauation of the taxable property therein to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness. Such a measure would not be retroactive.

STATE AND FEDERAL MACHINES TO BE PREVENTED.

It is essential that we should have the agencies by which the people may evidence their judgment without political machine interference. This should extend not only to the State, but also its sub-divisions. For that reason and the further fact that our party platform so declared, I recommend that amendments to the Constitution be submitted as follows:

1. No official whilst holding a State office shall be a candidate for any State, county or municipal office, except to succeed himself, when eligible.

2. No Federal office-holder or member of Congress or United States Senate shall become a candidate for any State, county or municipal office during his term of office.

3. The Governor of the State shall not be eligible to become a candidate for a party nomination as a candidate for a seat in the United States Senate during his term of office and for one year after the expiration of such term.

4. A member of the Legislature may not become a candidate for a party nomination as a candidate for a seat in Congress of the United States for two years after the passage of a congressional apportionment Act by the legislative body of which he was a member.

By this means, not only will State machines, but also, Federal machines be made an impossibility in the State of Oklahoma.

TO MAKE THE SHORT BALLOT POSSIBLE.

I further recommend that constitutional amendments be submitted, so as to cause the Clerk of the Supreme Court, Commis-

sioner of Insurance, the State Examiner and Inspector and such other State officers as you deem advisable except those made by the terms of the Constitution ex-officio Commissioners of the Land Office, to be filled by appointment. On account of the number of elective offices in this State, the length of the ballot often results in confusing the voters. If we are to ever have an opportunity to try out the wisdom of the short ballot, it is essential that these amendments be submitted so that the people can determine as to whether they want to try out the short ballot plan. In framing these amendments, it might be wise to submit them in such manner as to make these offices appointive until otherwise provided by law. Then if the people were to become dissatisfied with the appointive plan, a change could be made without an amendment to the Constitution.

INSURANCE RATES.

Provision should be made for the fixing of fire insurance rates. This is a work of great magnitude and should not be left to the discretion and judgment of any one person. At the same time, it should be done in such a way as not to occasion the creation of any more offices than reasonably practical.

I accordingly recommend the creation of a State Fire Insurance Commission, to be composed of the Insurance Commissioner and the Fire Marshal, as ex-officio members, the other member to be appointed, and to be secretary of said board. Said board should have the power to suspend and fix rates and do everything necessary to the effective regulation and control of the fire insurance business in the State. Provision should be made for the review of the actions of this insurance commission by judicial proceedings, thereby safeguarding the powers of said commission.

GINS AND GINNING.

Gins should be specifically declared by statute to be public utilities; and before a gin is installed, a license should be required from the Corporation Commission. The regulation and control of the ginning business and the fixing of the price therefor, I recommend to be placed under the jurisdiction and control of the Corporation Commission, just as public service corporations are.

ACCOUNTING AND BOOKKEEPING.

A system of accounting and bookkeeping should be established in all State institutions on a reasonable check to disclose irregu-

larities and deficiencies and this system should apply not only to State institutions, but, also, to county government. I recommend legislation to bring this about.

THE WILL OF THE PEOPLE AS TO ABOLISHING OFFICES TO BE SUSTAINED.

The Legislature of 1913 passed an Act providing for the consolidation of certain county offices. The validity of this Act is now being tested in the courts. I recommend the passage of a declaratory act so as to obviate these objections and carry into effect at once the expressed will of the people. Litigation, as a rule, is at the expense of the taxpayers. By the immediate passage of such a declaratory act, not only will this expense be obviated, but office holders will be made to realize that they cannot hold on to the public teat by means of a technicality.

PERMANENT SCHOOL FUND TO BE IN STATE TREASURY.

The permanent school fund should be converted into the State Treasury and not held by the Secretary of the Board of School Land Commissioners. This cannot be done, however, without such constitutional amendment as will provide for this permanent fund to be converted into the Treasury, subject to the charge and management of the Board of School Land Commissioners but with an automatic provision for the same to be drawn out and loaned on warrants of the School Land Commissioners through the State Auditor's office.

PERMANENT SCHOOL FUND—ITS INVESTMENT.

Specific provision should be made for the loaning and investment of the permanent school fund. This fund should be apportioned by the State Board of School Land Commissioners to each county pro rata on an agricultural per capita basis, and the same loaned through the agency of a board in each county to be composed of the County Clerk, County Judge and Tax Assessor. This contemplates a plan which will cause local inspection, appraisement and examination, that board then to make its recommendation and transmit the papers to the State School Land Board, who shall finally approve or disapprove the application after inspection again made through the State Board.

I recommend the consideration of this subject by you and the passage of such laws as may be necessary to place same into effect.

OIL PIPE LINES AND PRODUCING COMPANIES TO BE SEPARATE.

Oil pipe lines should not be permitted to become producers. These lines are now common carriers and should be confined in their business as such and divorced from the management and control of producing companies, so that they may not have common officials.

I accordingly recommend the passage of such necessary legislation, and all other legislation essential for the conservation of the natural resources of the State.

ELECTIONS.

Our primary election laws should be overhauled and a preferential system adopted, by which the voters may be permitted to epress their choice in such a way that the party nominee shall be the choice of the majority of such voters.

It is also desirable that effective means be provided for the publicity pamphlet in reaching each voter when questions are submitted to the voters of the State by means of the initiative and referendum.

A WORKMEN'S COMPENSATION ACT—SHORTER HOURS FOR WOMEN.

A fair, just and adequate compensation act to be administered by the State should be enacted. I earnestly recommend the enactment of such a law by this Legislature. Also a just and fair law providing for shorter hours for women in the various employments, the kind and character of employment being considered in the terms of the bill, is necessary. I recommend the passage of such a statute.

PANAMA PACIFIC EXPOSITION.

Private individuals have formed an association in this State for the purpose of erecting an Oklahoma Building at the Panama Pacific Exposition at San Francisco and have endeavored to raise sufficient funds for that purpore. It appears that on account of the depressed conditions, resulting from the general European war, that that has been rendered impractical, and it will take the sum of $5,000.00 to complete the building. Mrs. Fred Sutton has pledged her property for this amount. In addition to this pledge, she has given her time to further this object. I recom-

mend that the Legislature consider the advisability of making an appropriation of $5,000.00 to help complete the building, to be available only when sufficient funds are on hand to pay the entire cost of the building.

APPROPRIATIONS.

I respectfully call your attention to the conditions now prevailing in the State. On account of the depression occasioned by the great European war certain parts of our State in a financial way are greatly handicapped. To impose any more burdens upon them by way of taxes than is absolutely necessary would be an abuse of power. So I urge that in making appropriations we stay within the narrowest limit. Our institutions and departments must cramp and stint themselves so as to meet these conditions and be in harmony with the conditions of the people. I urge that no appropriation, at least in excess of that heretofore made, be made without our earnest consultation relative thereto.

As the occasion arises I shall have other recommendations as to other departments to make. I have specialized as to a great many boards, officers and employes, which I think should be abolished. I did this so as to assume a joint burden with you in initiating this retrenchment. This is not a pleasant duty, but it comes our way because the people have preferred us by the exercise of their suffrage. I hope to see every board and every commission in the State abolished except that of the Board of Affairs, Board of Education and the State Election Board. The creation of the State Fire Insurance Commission is not in fact the creation of a new commission. The additional member will act as secretary and it is intended that he is to be a working secretary.

I feel sure that the members of these two honorable bodies are zealous for retrenchment and reform and for the constructive protection of the people. This is a period in the history of this new commonwealth which calls for efficient service in every public station. I join arms with you with a view of presenting a solid phalanx in carrying out these measures and re-establishing government in the hearts and affections of the people.

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